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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,473	12/15/2003	Joseph John Fatula JR.	SJO920030066US1	3484

45216 7590 02/19/2009

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2445	
MAIL DATE	**DELIVERY MODE**
02/19/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/736,473	FATULA, JOSEPH JOHN	
	Examiner	Art Unit	
	LIN LIU	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 03 December 2008.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1,2 and 4-38 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1,2 and 4-38 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to communications filed on 12/03/2008.

Claims 1-2 and 4-38 are pending and have been examined.

Response to Arguments

2. Applicant's arguments with respect to claims 1-2 and 4-38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-2, 4-5, 8-10, 19, 22, 23, 26-28, 31-33 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Talwar et al. (publication no.: US**

2005/0027863 A1) in view of **Martins et al. (PGPUB: US 2005/0125537 A1)** and **Hodges et al. (PGPUB: US 2004/0093381 A1).**

With respect to **claim 1,** Talwar teaches a global on-demand management apparatus for user control of a system resource on a grid computing system (Talwar, fig. 1, page 1, paragraph 12), the apparatus comprising:

a global user input module configured to allow a user to input a parameter control request (Talwar, page 1 paragraph 12, and page 2, paragraph 16, noted the job request), the parameter control request corresponding to a performance parameter of the grid computing system (Talwar, page 2, paragraph 16, noted the service level agreement (SLA));

a global parameter module configured to dynamically update the performance parameter according to the parameter control request, the performance parameter corresponding to a performance resource (Talwar, page 2 paragraphs 20-22, noted that based on the user's job request, CPU and network bandwidth are allocated respectively); and

a global reservation module configured to reserve the performance resource for a grid computing operation (Talwar, page 2 paragraph 16 and page 3 paragraph 28, noted that the DRM module matches the user's requirement in order to reserve and allocate available resource to interact with end-user.).

However, Talwar does not explicitly teach a method of updating and allocating user's policy concurrently in grid system; and a method of storing a performance parameter in a profile in a memory device.

In the same field of endeavor, Martins teaches a method of updating and allocating user's policy concurrently in a grid system (Martins: page 3, paragraph 22).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to integrate the method of updating and allocating user's policy concurrently in a grid system as taught by Martins in Talwar's invention since both of them are in the field of allocating shared resources in a grid computing environment. A person of ordinary skill in the art at the time of the invention would have been motivated to incorporate such feature because executing operations concurrently can potentially save numerous clock cycles per execution for the application essentially saving time for users.

However, Talwar does not explicitly teach a method of storing a performance parameter in a profile in a memory device.

In the same field of endeavor, Hodges teaches a method of storing a performance parameter in a profile in a memory device (Hodges: page 1, paragraph 10, and page 2, paragraph 28).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of storing a SLA in a profile in a memory device as taught by Hodges in Talwar's invention in order to detect any SLA failure by a resource and allowing the system to re-route and utilize distributed services outisde of the resources (Hodges: page 2, paragraph 28).

With respect to **claim 2,** Talwar teaches the apparatus of claim 1, wherein the performance parameter is a network performance parameter, wherein the network performance parameter is one of network accessibility network bandwidth allocation, and grid allocation hierarchy (Talwar, page 2, paragraphs 16-17, noted that the SLA specifies network bandwidth requirements needed for the session to interact with client).

With respect to **claim 4** Talwar teaches the apparatus of claim 1, wherein the performance parameter is a client performance parameter (Talwar, page 2, paragraphs 20-22, noted that the user specifies the bandwidth and other resources needed for the requested session).

With respect to **claim 5,** Talwar teaches the apparatus of claim 4, wherein the client performance parameter comprises client accessibility, client bandwidth allocation, processor allocation, storage allocation, memory allocation, backup recoverability, and backup proximity (Talwar, page 2, paragraphs 20-22, noted that the user specifies the bandwidth and other resources needed for the requested session).

With respect to **claim 8,** Talwar teaches the apparatus of claim 1, further comprising a global profile management module configured to store a network profile (Talwar, page 2 paragraph 16 and paragraph 23, noted the authorization policies), the network profile comprising a network performance parameter of a network performance resource available to the grid computing system (Talwar, page 2, paragraphs 16-17).

With respect to **claim 9,** Talwar teaches the apparatus of claim 1, further comprising a global profile management module configured to store a global client profile, the global client profile descriptive of a global client performance resource parameter (Talwar, page 3, paragraph 28, noted the user membership directory).

With respect to **claim 10,** Talwar teaches the apparatus of claim 1, further comprising a global profile management module configured to store a plurality of client profiles, each of the plurality of client profiles comprising a client performance parameter of a client performance resource available to the grid computing system (Talwar, page 3, paragraph 28, noted the user membership directory).

With respect to **claim 19,** Talwar teaches a system for user control of a system resource on a grid computing system, the system comprising:

a local on-demand management apparatus connected to the grid computing system, the local on-demand apparatus having local access to and control of a performance resource (Talwar, page 2 paragraph 16, and page 3 paragraph 28, noted that the end-user submits request to DRM module and specifies a list of desired application/resource to interact with);

a global on-demand management apparatus connected to the grid computing system, the global on-demand apparatus configured to communicate with the local on-demand apparatus (Talwar, page 1 paragraph 12, and page 2, paragraph 16, noted the DRM node receives request from end-user);

a user input module configured to allow a user to input a parameter control request (Talwar: page 2, paragraph 16, noted the job request), the parameter control request corresponding to the performance resource (Talwar, page 2 paragraph 16 & 20); wherein the performance resource corresponds to a performance parameter of the grid computing system (Talwar: fig. 3, page 2, paragraphs 16);

an allocation module configured to allocate the performance resource to the grid computing system (Talwar, page 2 paragraph 16 and page 3 paragraph 28, noted that the DRM module matches the user's requirement in order to reserve and allocate available resource to interact with end-user);

the global on-demand management apparatus further configured to dynamically update the performance parameter according to the parameter control request in the grid system operation (Talwar, page 2 paragraphs 20-22); and

a reservation module configured to reserve the performance resource with the updated performance parameter for the grid computing operation (Talwar, page 2 paragraph 16 and page 3 paragraph 28).

However, Talwar does not explicitly teach a method of updating and allocating user's policy concurrently in grid system; and a method of storing a performance parameter in a profile in a memory device.

In the same field of endeavor, Martins teaches a method of updating and allocating user's policy concurrently in a grid system (Martins: page 3, paragraph 22).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to integrate the method of updating and allocating user's policy concurrently in a grid system as taught by Martins in Talwar's invention since both of them are in the field of allocating shared resources in a grid computing environment. A person of ordinary skill in the art at the time of the invention would have been motivated to incorporate such feature because executing operations concurrently can potentially save numerous clock cycles per execution for the application essentially saving time for users.

However, Talwar does not explicitly teach a method of storing a performance parameter in a profile in a memory device.

In the same field of endeavor, Hodges teaches a method of storing a performance parameter in a profile in a memory device (Hodges: page 1, paragraph 10, and page 2, paragraph 28).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of storing a SLA in a profile in a memory device as taught by Hodges in Talwar's invention in order to detect any SLA failure by a resource and allowing the system to re-route and utilize distributed services outisde of the resources (Hodges: page 2, paragraph 28).

With respect to **claim 22,** Talwar teaches a method for user control of a system resource on a grid computing system, the method comprising:

allowing a user to input a parameter control request, the parameter control request corresponding to a performance parameter of the grid computing system

(Talwar, page 2 paragraph 16, and page 3 paragraph 28, noted that the end-user submits request and specifies a list of desired application/resource to interact with);

dynamically updating the performance parameter according to the parameter control request, the performance parameter corresponding to a performance resource (Talwar, page 3, paragraphs 27-28, noted that the contract engine, which is based on the end-user's request can be generated dynamically); and

reserving the performance resource for a grid computing operation (Talwar, page 2 paragraph 16 and page 3 paragraph 28, noted that the DRM module matches the user's requirement in order to reserve and allocate available resource to interact with end-user).

However, Talwar does not explicitly teach a method of updating and allocating user's policy concurrently in grid system; and a method of storing a performance parameter in a profile in a memory device.

In the same field of endeavor, Martins teaches a method of updating and allocating user's policy concurrently in a grid system (Martins: page 3, paragraph 22).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to integrate the method of updating and allocating user's policy concurrently in a grid system as taught by Martins in Talwar's invention since both of them are in the field of allocating shared resources in a grid computing environment. A person of ordinary skill in the art at the time of the

invention would have been motivated to incorporate such feature because executing operations concurrently can potentially save numerous clock cycles per execution for the application essentially saving time for users.

However, the combined method of Talwar-Martins does not explicitly teach a method of storing a performance parameter in a profile in a memory device.

In the same field of endeavor, Hodges teaches a method of storing a performance parameter in a profile in a memory device (Hodges: page 1, paragraph 10, and page 2, paragraph 28).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of storing a SLA in a profile in a memory device as taught by Hodges in Talwar-Martins' invention in order to detect any SLA failure by a resource and allowing the system to re-route and utilize distributed services outside of the resources (Hodges: page 2, paragraph 28).

Regarding **Claims 23,** the claim limitations of this claim is substantially the same as those in **claim 8**. Therefore, the supporting rationale of the rejection to **claim 8** applies equally as well to **claim 23.**

Regarding **Claims 26,** the claim limitations of this claim is substantially the same as those in **claim 22,** but rather in a computer program module. Therefore, the supporting rationale of the rejection to **claim 22** applies equally as well to **claim 26.**

Regarding **Claims 27,** the claim limitations of this claim is substantially the same as those in **claim 3**. Therefore, the supporting rationale of the rejection to **claim 3** applies equally as well to **claim 27.**

Regarding **Claims 28,** the claim limitations of this claim is substantially the same as those in **claim 5**. Therefore, the supporting rationale of the rejection to **claim 5** applies equally as well to **claim 28.**

Regarding **Claims 31,** the claim limitations of this claim is substantially the same as those in **claim 8**. Therefore, the supporting rationale of the rejection to **claim 8** applies equally as well to **claim 31.**

Regarding **Claims 32,** the claim limitations of this claim is substantially the same as those in **claim 9**. Therefore, the supporting rationale of the rejection to **claim 9** applies equally as well to **claim 32.**

Regarding **Claims 33,** the claim limitations of this claim is substantially the same as those in **claim 10**. Therefore, the supporting rationale of the rejection to **claim 10** applies equally as well to **claim 33.**

Regarding **Claims 37,** the claim limitations of this claim is substantially the same as those in **claim 22**, but rather in means for function form. Therefore, the supporting rationale of the rejection to **claim 22** applies equally as well to **claim 37.**

6. Claims 6, 7, 12, 13, 20, 21, 24, 29, 30, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Talwar et al. (publication no.: US**

2005/0027863 A1) in view of **Martins et al. (PGPUB: US 2005/0125537 A1)** and **Hodges et al. (PGPUB: US 2004/0093381 A1)** and further in view of **Lumelsky et al. (patent no.: US 6,460,082 A1).**

With regard to **claim 6,** the combined method of Talwar-Martins-Hodges teaches all the claimed limitations, except that they do not explicitly teach a method of terminating the reservation of the performance resource in response to a client reclamation operation, the client reclamation operation reclaiming the performance resource and making the performance resource unavailable to the grid computing system.

In the same field of endeavor, Lumelsky teaches a method of terminating the reservation of the performance resource in response to a client reclamation operation, the client reclamation operation reclaiming the performance resource (Lumelsky, col. 11, lines 31-56, noted that a new policy can be generated in re-claiming the resource).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of reclaiming a new resource in the distributed system as taught by Lumelsky in the combined method of Talwar-Martins-Hodges' invention in order to optimize and maximize the usage of the available resource.

With regard to **claim 7,** the combined method of Talwar-Martins-Hodges teaches all the claimed limitations, except that they do not explicitly teach a method of reserving another performance resource for a grid computing

operation, wherein the other performance resource is the same type of performance resource as the reclaimed performance resource.

In the same field of endeavor, Lumelsky teaches a method of reserving another performance resource for the grid computing operation (Lumelsky, col. 11, lines 31-56, noted that a new policy can be generated in re-claiming new resource).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of reclaiming a new resource in the distributed system as taught by Lumelsky in the combined method of Talwar-Martins-Hodges' invention in order to optimize and maximize the usage of the available resource.

With respect to **claim 12,** the combined method of Talwar-Martins-Hodges teaches all the claimed limitations, except that they do not explicitly teach a method of storing a plurality of profile histories, each of the plurality of profile histories comprising a history of a performance parameter resource.

In the same field of endeavor, Lumelsky teaches a method of storing a plurality of profile histories (Lumelsky, col. 4, lines 14-22, noted the usage history).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of storing a plurality of profile histories as taught by Lumelsky in the combined method of Talwar-Martins-Hodges' invention in order to calculate cost of service for clients (Lumelsky, col. 4, lines 21-22).

With respect to **claim 13,** the combined method of Talwar-Martins-Hodges teaches all the claimed limitations, except that they do not explicitly teach a method of subscribing profile histories to a subscription manager in calculating a client subscription fee based at least in part on the one of the plurality of profile histories.

In the same field of endeavor, Lumelsky teaches a method subscribing profile histories to a subscription manager in calculating a client subscription fee based at least in part on the one of the plurality of profile histories (Lumelsky, col. 4, lines 14-22, noted that the history of resource consumption service is used to calculate the cost of service for clients).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method subscribing profile histories to a subscription manager in calculating a client subscription fee as taught by Lumelsky in the combined method of Talwar-Martins-Hodges' invention in order to precisely calculate the service fee for clients.

Regarding **Claims 20,** the claim limitations of this claim is substantially the same as those in **claim 13**. Therefore, the supporting rationale of the rejection to **claim 13** applies equally as well to **claim 20.**

With respect to **claim 21,** the combined method of Talwar-Martins-Hodges teaches all the claimed limitations, except that they do not explicitly teach a method of subscribing to a subscription manager to manage the allocated performance resource and to control the level of service available to the local on-demand management apparatus.

In the same field of endeavor, Lumelsky teaches a method of subscribing to a subscription manager to manage the allocated performance resource (Lumelsky, col. 4, lines 14-22, noted that the history of resource consumption service is used to calculate the cost of service for clients) and to control the level of service available to the local on-demand management apparatus (Lumelsky, col. 4, lines 23-29, noted the QoS).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of controlling the level of service available as taught by Lumelsky in the combined method of Talwar-Martins-Hodges' invention in order to the best QoS to the clients.

Regarding **Claims 24,** the claim limitations of this claim is substantially the same as those in **claim 6**. Therefore, the supporting rationale of the rejection to **claim 6** applies equally as well to **claim 24.**

Regarding **Claims 29,** the claim limitations of this claim is substantially the same as those in **claim 6**. Therefore, the supporting rationale of the rejection to **claim 6** applies equally as well to **claim 29.**

Regarding **Claims 30,** the claim limitations of this claim is substantially the same as those in **claim 7**. Therefore, the supporting rationale of the rejection to **claim 7** applies equally as well to **claim 30.**

Regarding **Claims 35,** the claim limitations of this claim is substantially the same as those in **claim 12**. Therefore, the supporting rationale of the rejection to **claim 12** applies equally as well to **claim 35.**

Regarding **Claims 36,** the claim limitations of this claim is substantially the same as those in **claim 13**. Therefore, the supporting rationale of the rejection to **claim 13** applies equally as well to **claim 36.**

7. Claims 11, 14, 15, 17, 18, 34 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Talwar et al. (publication no.: US 2005/0027863 A1)** in view of **Martins et al. (PGPUB: US 2005/0125537 A1)** and **Hodges et al. (PGPUB: US 2004/0093381 A1)** and further in view of **Bartlett et al. (publication no.: US 2004/0064480 A1).**

With respect to **claim 11,** the combined method of Talwar-Martins-Hodges teaches all the claimed limitations, except that he does not explicitly teach a method of synchronizing one of the stored client profiles with a local client profile stored on a client.

In the same field of endeavor, Bartlett teaches a method synchronizing one of the stored client profiles with a local client profile stored on a client (Bartlett, page 13, paragraph 175).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of synchronizing the stored client profiles with a local client profile stored on a client as taught by Bartlett in the combined method of Talwar-Martins-Hodges' invention in order to update the latest information of the clients.

With respect to **claim 14,** Talwar teaches a local on-demand management apparatus for user control of a system resource on a grid computing system (Talwar, fig. 2), the apparatus comprising:

a client user input module configured to allow a user to input a client parameter control request (Talwar, page 2 paragraph 16, and page 3 paragraph 28, noted that the end-user submits request to interact with DRM module), the parameter control request corresponding to a client performance parameter of the grid computing system, the client performance parameter corresponding to a client performance resource (Talwar, page 3, paragraph 28, noted that the end-user specifies a list of desired application/resource to interact with);

a client allocation module configured to allocate the client performance resource to the grid computing system (Talwar, page 2 paragraph 16 and page 3 paragraph 28, noted that the end-user launches applications to interact with the remote execution node).

However, Talwar does not explicitly teach a method of updating and allocating user's policy concurrently in grid system; and a method storing a client profile in a memory device, the client profile comprising the client performance parameter of the client performance resource allocated to the grid computing system and a method of synchronizing the client performance parameter with one of a plurality of client profiles.

In the same field of endeavor, Martins teaches a method of updating and allocating user's policy concurrently in a grid system (Martins: page 3, paragraph 22).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to integrate the method of updating and allocating user's policy concurrently in a grid system as taught by Martins in Talwar's invention since both of them are in the field of allocating shared resources in a grid computing environment. A person of ordinary skill in the art at the time of the invention would have been motivated to incorporate such feature because executing operations concurrently can potentially save numerous clock cycles per execution for the application essentially saving time for users.

However, the combined method of Talwar-Martins does not explicitly teach a method storing a client profile in a memory device, the client profile comprising the client performance parameter of the client performance resource allocated to the grid computing system and a method of synchronizing the client performance parameter with one of a plurality of client profiles.

In the same field of endeavor, Hodges teaches a method of storing a performance parameter in a profile in a memory device (Hodges: page 1, paragraph 10, and page 2, paragraph 28).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of storing a SLA in a profile in a memory device as taught by Hodges in the combined method of Talwar-Martins' invention in order to detect any SLA failure by a resource and allowing the system to re-route and utilize distributed services outisde of the resources (Hodges: page 2, paragraph 28).

However, the combined method of Talwar-Martins-Hodges does not explicitly teach a method of synchronizing the client performance parameter with one of a plurality of client profiles.

In the same field of endeavor, Bartlett teaches a method synchronizing one of the stored client profiles with a local client profile stored on a client (Bartlett, page 13, paragraph 175).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of synchronizing the stored client profiles with a local client profile stored on a client as taught by Bartlett in the combined method of Talwar-Martins-Hodges' invention in order to update the latest information of the clients.

With respect to **claim 15,** Talwar teaches the apparatus of claim 14, further comprising a client parameter module configured to dynamically change the client performance parameter according to the client parameter control request (Talwar, page 3, paragraphs 27-28, noted that the contract engine, which is based on the end-user's request can be generated dynamically).

With respect to **claim 17**, Talwar teaches the apparatus of claim 14, wherein the client user input module receives the client parameter control request from the global on-demand apparatus (Talwar, page 2, paragraph 16).

With respect to **claim 18,** Talwar teaches the apparatus of claim 14, wherein the client performance parameter is one of client accessibility, client bandwidth allocation, processor allocation, storage allocation, memory allocation, backup recoverability, and backup proximity (Talwar, page 2, paragraphs 20-22,

noted that the end-user specifies the bandwidth and other resources needed for the requested session).

Regarding **Claims 34,** the claim limitations of this claim is substantially the same as those in **claim 11**. Therefore, the supporting rationale of the rejection to **claim 11** applies equally as well to **claim 34.**

Regarding **Claims 38,** the claim limitations of this claim is substantially the same as those in **claim 14**. Therefore, the supporting rationale of the rejection to **claim 14** applies equally as well to **claim 38.**

8. Claims 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Talwar et al. (publication no.: US 2005/0027863 A1)** in view of **Martins et al. (PGPUB: US 2005/0125537 A1)** and **Hodges et al. (PGPUB: US 2004/0093381 A1), Bartlett et al. (publication no.: US 2004/0064480 A1)** and **Lumelsky et al. (patent no.: US 6,460,082 A1).**

With respect to **claim 16,** the combined method of Talwar-Martins-Hodges-Bartlett teaches all the claimed limitations, except that they do not explicitly teach a method of reclaiming the client performance resource and make the client performance resource unavailable to the grid computing system in response to a client reclamation operation.

In the same field of endeavor, Lumelsky teaches a method of reclaiming the client performance resource and make the client performance resource unavailable to the grid computing system in response to a client reclamation

operation (Lumelsky, col. 11, lines 31-56, noted that a new policy can be generated in re-claiming the resource).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of reclaiming a new resource in the distributed system as taught by Lumelsky in the combined method of Talwar-Martins-Hodges-Bartlett's invention in order to optimize and maximize the usage of the available resource.

With respect to **claim 25,** Talwar teaches a method for user control of a system resource on a grid computing system, the method comprising:

allowing a user to input a parameter control request, the parameter control request corresponding to a performance parameter of the grid computing system (Talwar, page 2 paragraph 16, and page 3 paragraph 28, noted that the end-user submits request and specifies a list of desired application/resource to interact with);

dynamically updating the performance parameter according to the parameter control request, the performance parameter corresponding to a performance resource (Talwar, page 3, paragraphs 27-28, noted that the contract engine, which is based on the end-user's request can be generated dynamically);

reserving the performance resource for a grid computing operation (Talwar, page 2 paragraph 16 and page 3 paragraph 28, noted that the DRM module matches the user's requirement in order to reserve and allocate available resource to interact with end-user);

storing a network profile (Talwar, page 2 paragraph 16 and paragraph 23, noted the authorization policies), the network profile comprising a network performance parameter of a network performance resource available to the grid computing system (Talwar, page 2, paragraphs 16-17);

storing a global client profile in a memory device, the global client profile descriptive of a global client performance resource parameter (Talwar, page 3, paragraph 28, noted the user membership directory);

However, Talwar does not explicitly teach a method of updating and allocating user's policy concurrently in grid system; a method of terminating the reservation of the performance resource in response to a client reclamation operation, the client reclamation operation reclaiming the performance resource and making the performance resource unavailable to the grid computing system; reserving another performance resource for the grid computing operation, the other performance resource similar to the reclaimed performance resource; storing a client profile in a memory device, the client profile comprising the client performance parameter of the client performance resource allocated to the grid computing system and synchronizing one of the stored client profiles with a local client profile stored on a client.

In the same field of endeavor, Martins teaches a method of updating and allocating user's policy concurrently in a grid system (Martins: page 3, paragraph 22).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to integrate the method of updating and allocating

user's policy concurrently in a grid system as taught by Martins in Talwar's invention since both of them are in the field of allocating shared resources in a grid computing environment. A person of ordinary skill in the art at the time of the invention would have been motivated to incorporate such feature because executing operations concurrently can potentially save numerous clock cycles per execution for the application essentially saving time for users.

However, the combined method of Talwar-Martins does not explicitly teach a method of terminating the reservation of the performance resource in response to a client reclamation operation, the client reclamation operation reclaiming the performance resource and making the performance resource unavailable to the grid computing system; reserving another performance resource for the grid computing operation, the other performance resource similar to the reclaimed performance resource; storing a client profile in a memory device, the client profile comprising the client performance parameter of the client performance resource allocated to the grid computing system and synchronizing one of the stored client profiles with a local client profile stored on a client.

In the same field of endeavor, Lumelsky teaches a method of terminating the reservation of the performance resource in response to a client reclamation operation, the client reclamation operation reclaiming the performance resource and reserving another performance resource for the grid computing operation, (Lumelsky, col. 11, lines 31-56, noted that a new policy can be generated in re-claiming the new resource).

The combined method of Talwar-Martins-Lumelsky does not explicitly teach the method of storing a client profile in a memory device, the client profile comprising the client performance parameter of the client performance resource allocated to the grid computing system.

In the same field of endeavor, Hodges teaches a method of storing a performance parameter in a profile in a memory device (Hodges: page 1, paragraph 10, and page 2, paragraph 28).

The combined method of Talwar- Martins-Lumelsky-Hodges does not explicitly teach the method of synchronizing one of the stored client profiles with a local client profile stored on a client.

In the same field of endeavor, Bartlett teaches a method synchronizing one of the stored client profiles with a local client profile stored on a client (Bartlett, page 13, paragraph 175).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN LIU whose telephone number is (571)270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571)-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Liu/
Examiner, Art Unit 2445

/Patrice Winder/
Primary Examiner, Art Unit 2445